

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26010

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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WILLIAM S. AHOLELEI, Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent-Appellee

---

APPEAL FROM THE FIRST CIRCUIT COURT  
(S.P.P. NO. 03-1-0030)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears we lack appellate jurisdiction over Petitioner-Appellant William s. Aholelei's (Appellant Aholelei) appeal from the July 16, 2003 order denying Appellant Aholelei's motion for trial transcripts in S.P.P. No. 03-1-0030. Appellant Aholelei's motion for trial transcripts was not a petition for post-conviction relief pursuant to Rule 40 of the Hawai'i Rules of Penal Procedure (HRPP), but, instead, it was an irregular request for trial transcripts that Appellant Aholelei intended to utilize in support of his HRPP Rule 40 petition for post-conviction relief in S.P.P. No. 02-1-0075, the adverse judgment from which Appellant Aholelei is currently appealing in supreme court case number 25707. The July 16, 2003 order is not an appealable final judgment from a HRPP Rule 40 proceeding pursuant to HRS § 641-11 (1993) and HRPP Rule 40(h). The July 16, 2003 order is not an appealable final judgment pursuant to HRS § 641-1(a) (1993) and Rule 58 of the Hawai'i

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Rules of Civil Procedure. The July 16, 2003 order is not certified for interlocutory appeal pursuant to HRS § 641-1(b) (1993) or HRS § 641-17 (1993). The collateral order doctrine is not applicable in this case. See State v. Kealaiki, 95 Hawai'i 309, 317, 22 P.3d 588, 596 (2001). Absent an appealable final judgment or order, we lack appellate jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of jurisdiction.

DATED: Honolulu, Hawai'i, November 26, 2003.